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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,077	09/10/2003	Anthony J. Baerlocher	0112300-1530	5899

29159 7590 03/07/2007
BELL, BOYD & LLOYD LLP
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EXAMINER

THOMASSON, MEAGAN J

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/660,077

Applicant(s)

BAERLOCHER ET AL.

Examiner

Meagan Thomasson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 26-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/17/07, 6/21/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The examiner acknowledges the amendments made to claims 1, 14, 16 and 21.

Claims 26-35 have been withdrawn.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1,2,5,6,10,11,15-17,19-22,24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayeroff (US 6,186,894) in view of Giobbi et al. (US 6,155,925).

Regarding claim 1, 16 and 21, Mayeroff teaches a base game that is operable upon a wager wherein the wager comprises multiple components. One component of the wager is the amount of credits, money, etc that are wagered upon each payline, and a second component is how many paylines are selected to be wagered upon (5:60 – 6:4). Mayeroff also discloses that the bonus game is triggered upon the first component exceeding a threshold and achieving a designated outcome in the base game. In order for a player to become eligible to even receive a bonus game they must first wager upon at least one payline. Thus the base game inherently operates upon wager thresholds. If the player does not wager at least some monetary

or credit amount on at least one payline then the player would not be eligible for the bonus game or primary game for that matter. Mayeroff also discloses a bonus meter that tracks how many spins of the bonus reels the player is awarded (7:30 – 37). Thus the bonus game meter is dependent on the number of paylines that the player chose to wager upon (i.e. the second component). Mayeroff also discloses that the bonus meter could be based upon the amount of credits that have been wagered upon a payline (7:38 – 42). Mayeroff discloses an award generation event in that the player is awarded free spins or plays in accordance with the bonus spin meter. Thus, when entering the bonus game the player would receive the bonus spins.

Mayeroff does not specifically disclose that the bonus meter is displayed in the bonus game. Giobbi et al. discloses a bonus game for a gaming machine with the payout percentage varying as a function of the wager made on the primary game (abstract). In figure 5, a meter is displayed in the bonus game that is changeable based on the second component of the wager in the base game after the bonus game is triggered. In this particular example of the bonus game, the player's wager in the primary game was 45 credits. The player was awarded a bonus outcome of 10 times the wagered amount, and the bonus meter was changed to display 450 paid credits after the bonus game had been triggered.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Mayeroff and Giobbi due to their analogous inventions, namely bonus games whose payouts are dependent upon a wager component made by a player in a primary wagering game. One would have been

motivated to combine the bonus game winning display meter of Giobbi with the free spin tracking meter of Mayeroff in order to display to the player their standing with respect to winnings in the bonus game event.

Regarding claims 2, 10, 17, 19, 22 24, Meyeroff discloses that the free spin meter is affected linearly based upon the amount of credits or paylines wagered (5:60 – 6:4).

Regarding claim 5 and 6, Meyeroff teaches a base game that is operable upon a wager wherein the wager comprises multiple components. One component of the wager is the amount of credits, money, etc that are wagered upon each payline, and a second component is how many paylines are selected to be wagered upon (5:60 – 6:4). Thus regardless of which component is termed the “first” and “second” component, it can be seen that Meyeroff anticipates the variable components.

Regarding claim 11, Meyeroff discloses that bonus meter is a free spin meter. Thus the player is awarded a predetermined number of spins in accordance with the number of credits bet or the number of payline played (5:60 – 6:4).

Regarding claims 15, 20 and 25, Meyeroff does not disclose a game machine that offers different bonus games in accordance with various wagering thresholds. Giobbi however discloses multiple bonus games in accordance with various wagering thresholds. Specifically, a processor (26) that controls the primary game and enables a plurality of different wagers to be made on the primary game (Abstract Figure 2, Column 2, lines 34-47, Column 4, lines 38- 47, Column 5, lines 52-64, and Claims 1 and 14), and a plurality of bonus games (Processor (26) selects one of the pay schedules having

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different game outcomes corresponding to a predetermined wager amount such as 1-5, 6-10, 11-15, 16-20, and 21-25 credits each having a payout percent per credit that successively increases as a wager increases. Thus, the pay schedules each corresponding to a range of credits wagered shown in Figures 6a-6e represent a plurality of bonus games) controlled by the processor including a first bonus game having a first average payout per credit wagered triggered upon the occurrence of a first bonus game trigger symbol or symbol combination when a first wager has been made by the player in the primary game and a second different bonus game having a second average payout per credit wagered triggered upon the occurrence of a second bonus game trigger symbol or symbol combination when a second wager has been made by the player in the primary game, wherein the first wager and second wager are different, and the first average payout and the second average payout are different, and first bonus game trigger symbol or symbol combination and the second bonus game trigger symbol combination are different (Abstract Figures 6a-e, 8a-8e, 9a-9g, Column 2, lines 34-47, Column 4, lines 12-20, Column 5, lines 51-64, Column 6, line 22-Column 9, line 57, and Claims 1-27).

It would be obvious to one of ordinary skill in the art to modify Meyeroff in view of Giobbi to provide multiple bonus games that are playable in accordance with various wager thresholds. This would enhance the excitement of the player because they would not always have to wager max lines or make a max bet to receive a bonus game upon the occurrence of a trigger event.

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Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyeroff (US 6,186,894) in view of Giobbi et al. (US 6,155,925) as applied above and further in view of Itkis (US 4,856,787).

Regarding claim 3, Meyeroff discloses a slot machine that plays a base game, but does not specifically disclose that the base game is selected from a group consisting of: slot, poker, keno and blackjack. However Itkis disclose a base game that is selectable from a group consisting of: blackjack, keno and poker (Itkis Abstract).

One of ordinary skill in the art would be motivated to modify Meyeroff in view of Itkis for the purpose of providing many games to players in order to not restrict a player's freedom of choice and limit the services provided by the casinos (Itkis 1:36 – 38).

Claims 4, 18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyeroff (US 6,186,894) in view Giobbi et al. (US 6,155,925) and further in view of Brune et al. (US 5,851,148).

Regarding claim 4, 18 and 23, Meyeroff does not disclose a bonus meter that remains unchanged upon a player cashing out of a game. Brune et al discloses a bonus meter that offers a progressive jackpot. The progressive jackpot is a jackpot that is won if the bonus play is won. Thus a player can cashout of a game whenever he chooses to do so and the progressive award will remain unaffected.

One of ordinary skill in the art would be motivated to modify Peterson in view of Brune et al. to provide a bonus meter that is not affected by a player cashing out

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of the game. A player is more likely to play again for this type of jackpot if the jackpot does not change or reset upon players cashing out.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyeroff (US 6,186,894) in view Giobbi et al. (US 6,155,925) and further in view of Moody (US 5,823,873).

Regarding claims 7 and 8, Meyeroff teaches a base game that is operable upon a wager wherein the wager comprises multiple variable components. (5:60 – 6:4). One component of the wager is the amount of credits, money, etc that are wagered upon each payline, and a second component is how many paylines are selected to be wagered upon (5:60 – 6:4). Thus Meyeroff discloses a component that is based upon a wager played per hand or game. Meyeroff, however, does not disclose that the first component of a wager is a number of hands or games played. Moody discloses a multihand video poker game wherein the player is dealt multiple hands of cards and the player makes multiple wagers on the hands of cards. Thus the player's wager comprises a component relating to the number of hands played and another component relating to the wager placed upon each hand (Moody 6:30 – 33, 60 – 63).

One of ordinary skill in the art would be motivated to combine the teachings of Meyeroff in view of Moody to provide a game that consists of multiple hands of cards wherein the components of a players wager is based upon the wager on each hand and the number of hands of cards played. By making a bonus game or

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award dependent on the number of games or hands played promotes player loyalty in that the player is rewarded for playing numerous games on the machine.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyeroff (us 6,186,894) in view of Giobbi et al. (US 6,155,925) and further in view Schneider et al (US 6,089,976).

Regarding claim 9, Meyeroff a first component that is a maximum threshold amount. Schneider et al. discloses a primary game wherein the player is able to qualify and play a bonus game if they wager a maximum amount of credits and obtain a winning outcome (Schneider 3:21 – 31). Thus, Schneider discloses a maximum threshold component that must be wagered for a player to qualify for a bonus game.

It would be obvious to one of ordinary skill in the art to modify Meyeroff in view of Schneider et al for the purpose of providing a game wherein the player must make the maximum bet to be eligible for a bonus event. This ensures that the game operators remain profitable, while still awarding a player further games that enable them to win larger payouts.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyeroff (US 6,186,894) in view of Giobbi et al. (US 6,155,925) and further in view Sunaga (US 6,106,393).

Regarding claim 14, Meyeroff does not disclose the determination of a game outcome prior to the play of the base game by the player. Sunaga discloses a game

machine that determines at the beginning of a game, a plurality of game result conditions and then selects a particular game result condition (Sunaga 2:17 – 51).

Sunaga discloses that the game machine is able to select a plurality of random numbers that represent game outcomes for multiple future games (Sunaga 10: 36 – 42).

One of ordinary skill in the art would be motivated to modify Meyeroff in view of Sunaga et al for the purpose of predetermining the outcomes of games that are being played. By predetermining the outcomes the game operators can make sure that they remain profitable by not awarding an excess of payouts for game outcomes that win.

Response to Arguments

Applicant's arguments filed June 21, 2006 have been fully considered but they are not persuasive.

Applicant's argument that Mayeroff does not disclose a meter in the bonus game which is changeable based on the second component of the wager in the base game after the bonus game is triggered is not persuasive. As stated by the applicant on P. 12 of the arguments, the meter tracking the number of bonus spins changes depending on the number of bonus spins available to a player. However, because the number of bonus spins is initially determined by the second wagering component, i.e. the number of lines wagered on by a player, and the number of remaining spins is determined in part by the number of initial spins, the changes made to the bonus meter are in fact based on the second wagering component of the base game.

Applicant's argument that Mayeroff does not disclose a meter which is displayed in the bonus game is moot in view of the new grounds of rejection, necessitated by amendment. Additionally, the Giobbi references disclose a meter displayed in the bonus game which is changeable based on a wagering component in the base game after the bonus game is triggered, as described in the above rejection, wherein in this instance the wagering component utilized is the amount wagered.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan Thomasson whose telephone number is (571) 272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert E Pezzuto
Supervisory Patent Examiner
Art Unit 3714

Meagan Thomasson
March 3, 2007